

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TENNESSEE**

RICHARD N. TEXTOR, and wife,)
M. JEANNE TEXTOR,)
Plaintiffs,)
v.) Case No. 4:07-CV-44
CURTIS WILLIAMSON, d/b/a)
WILLIAMSON CONSTRUCTION,)
COFFEE COUNTY REALTY AND)
AUCTION, LLC AND FREDA K. JONES)
Defendants.)

**COFFEE COUNTY REALTY AND AUCTION, LLC
AND FREDA K. JONES' MOTION TO DISMISS**

Defendants, Coffee County Realty and Auction, LLC and Freda K. Jones, move this Court pursuant to Fed R. Civ. P. 9(b) and 12(b)(6) for an Order dismissing the Complaint against them because it fails to state a claim upon which relief could be granted. Specifically, the Complaint fails to allege facts that under any theory could sustain the allegation that either Coffee County Realty and Auction, LLC or Freda K. Jones violated the RICO statute, or any other cited statute. Additionally, since the RICO claim must fail as a matter of law, the remaining claims must likewise fail as they would have no independent basis of jurisdiction in this Court. In support of this Motion, these defendants rely on the accompanying memorandum of law.

Respectfully submitted,

FARRAR & BATES, LLP

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on this the 29th day of February, 2008, a true and correct copy of the foregoing has been forwarded via the court's electronic filing system or U. S. Mail, first class postage prepaid, to:

Kline Preston
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/s/ Derrick A. Free

DERRICK A. FREE